

UNITED STATES TRANSPORTATION COMMAND



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LEGISLATIVE ANALYSIS

MARK OSMACK

Vacancies, Nominations and Confirmations: The seven month era of an acting SECDEF has ended as Sec Mark Esper was confirmed 90-8 by the Senate. His confirmation ended a vacancy dating back to 31 December, 2018 when Sec Mattis resigned. Sec Esper stated that one of his first priorities will be to fill the current leadership vacancies within DoD. However, while one vital position is filled, a subsequent cascade of openings may in turn be created. In an even more resounding vote, GEN Mark Milley was confirmed 89-1 as the new chairman of the Joint Chiefs of Staff.

After initial uncertainty, Sen Inhofe stated that Gen Hyten will have a nomination hearing as Vice Chair of the Joint Chiefs of Staff. The open hearing will take place on 30 Jul with the implication of having a far less clear nomination process than Sec Esper and GEN Milley. Also of note, Gen Selva is due to retire creating an even more pressing need to fill the position. If not, his retirement may be postponed or an acting Vice Chair may be instituted. The Hon Norquist, who recently visited with GEN Lyons at Scott AFB, completed his hearing on 24 Jul to be the Deputy SECDEF and is awaiting a final confirmation vote in the Senate. If confirmed, this will allow Richard Spencer, who is the current acting Deputy SECDEF, to return as SECNAV.

National Defense Authorization Act (NDAA): The House voted strictly along party lines and passed their version of the NDAA on 12 July. Their version is \$17 billion less than the President's \$750 billion request which is mirrored by the Senate version. The key differences between the chambers are requiring congressional approval for military action against Iran, and increased funding for a border wall. Prior to passage in the House, an amendment brought by Rep Matt Gaetz (R-FL) and Ro Khanna (D-CA) passed which restricted funding for military force unless Congress approved it. Additionally, it also stipulated the 2001 AUMF does not apply to Iran. This consensus is in contrast to the Senate version which places fewer restrictions on presidential authority to take action against Iran if required. The next step is the NDAA Conference which is being planned to take place in late-September in order to agree on a final version.

HAPPENINGS ON THE HILL:

- During the SECDEF nomination hearing, Sen Duckworth (D-IL) asked Sec Esper to commit to paying closer attention to our logistical needs to include funding for sealift, airlift and other aspects of our logistics infrastructure which also include amphibious shipping for the Marine Corps. Sec. Esper concurred. He further shared with the audience that sealift moves about 90% of the Army's cargo to the fight and that we need to modernize and build capacity with regard to sealift.
- Sen Shaheen (D-NH) stated that GEN Lyons indicated the Air Force was making preparations to push back the retirement of 28 legacy tankers causing the Senator to express concern of the cost associated with this decision. She asked Sec Esper to commit to a review of the KC-46 program and the second and third order effects that are now being seen as a result of these delays. Sec Esper acknowledged that AMC recently wrote her a letter committing that the billets would not be moved and in due course, actually will increase the number of billets. He concluded his answer with telling the Senator that he needed to work with her on "the timing in which those aircraft will return to Pease".

UNCLASSIFIED

SENATE ACTIONS ON NOMINATIONS & CONFIRMATIONS:

NAME	POSITION	STATUS
Sec Mark Esper	SECDEF	Confirmed
Hon. David Norquist	Deputy SECDEF	Pending on Executive Calendar
LTG Timothy J. Kadavy	Vice Chief of the National Guard Bureau	Pending on Executive Calendar
Mr. Jeffrey Byard	Department of Homeland Security	Pending on Executive Calendar
GEN Mark Miley	Chairman Joint Chief of Staff	Confirmed
Gen John Hyten	Vice Chair Joint Chief of Staff	Pending Hearing
Gen John Raymond	USSPACECOM Commander	Confirmed

FY20 NDAA DIRECTED REPORTS TO CONGRESS:

Due Date	Requirement	Description
1 Dec 19	Defense Personal Property Program (DP3) Report to HASC	Extends the comment period for the draft GHC RFP to allow at least 60 days for comments and delay the release of the final RFP until August 15, 2019. Directs the Services to provide a report to the HASC on the Secretaries' plans to improve installation-level relocation services to military families
1 Feb 20 SASC	Comptroller General Review of Mobility in Contested Environments Report to congressional defense cmtes	Requires report on: 1: Evolving strategic mobility reqs and impact upon mobility force structure. 2: Challenges in protecting mobility mission and how security will impact overall warfighting capability (elements protecting mobility not "in the fight" elsewhere. 3: State of mobility readiness/planning regarding training and concept development
1 Feb 20 SASC	Report on Special FAA Regulation Waivers for CRAF*	SECDEF required to notify defense committees on status of all requested SFARs. Requires SECDEF to inform defense cmtes on each DOD approved, denied, and pending SFAR request. SECDEF will also conduct a study on current CRAF-designation process with recommendations
1 Mar 20	Contracted Aerial Refueling Aircraft Report to HASC	Directs the Air Force, in coordination with USTRANSCOM, to provide a report to the HASC assessing the feasibility, affordability, and advisability of expanding the use of contractor-operated aerial refueling aircraft to support Air Force receiver requirements
1 Sep 20	Defense Access Roads (DAR) Project Report to HASC	Directs SECDEF to report on the implementation of the expanded DAR program that addresses the process and the criteria that will be used for selecting projects and a list of projects that have been identified as being eligible for consideration at the time the report is submitted. The list of eligible projects should include the geographic description, impacted military installation, road name or description, purpose, cost, scope, and DOD Form 1391 for each project.
1 Oct 20	Incorporation of Cleared U.S. Flag commercial Ship Operators	Directs Navy to brief on any plans to include cleared U.S.-flag commercial ship operators in wargames and exercise

	in Wargames and Exercise brief from Navy to HASC	
60 days after Enactment	DP3*	USTRANSCOM shall prepare a business case analysis (BCA) for the proposed GHC and brief the congressional defense committees on the BCA and structure of the advisory group
1 Mar 20 HASC	Cybersecurity of the Supply Chain	To what extent the Department has identified and addressed cybersecurity risks to its supply chain
1 Jan 21 HASC	Mobility Capability Requirement Study*	Requires TRANSCOM to submit a report and a briefing to the HASC 1 Jan 21 with an interim update by 1 Jun 20, assessing the operational risk for meeting the mobility requirements of the geographic combatant commanders
HASC	Independent Review of Transportation Working Capital Fund*	Requires SECDEF, in coordination with the Secretaries of the military departments, to contract with independent federally funded R&D center to conduct a review of the TWCF
		*Bill language that is pending conference report approval and POTUS signature

GAO REPORTS:

Start Date:	Title:	Information/Status:
20 Nov 2018	Noncombatant Evacuation Operations from Korea	To what extent the Department: <ul style="list-style-type: none"> has visibility into cybersecurity risks to supply chain led by commercial networks/ contractors; corrective action plans in place to mitigate cybersecurity risks associated with the supply chain
27 Dec 2018	Federal Maritime Strategy	What are key challenges to ensuring that the U.S. marine transportation system and merchant marine are sufficient to support U.S. economic and defense needs? To what the extent: <ul style="list-style-type: none"> does the national maritime strategy incorporate desirable characteristics of successful national strategies and any key obstacles as identified by stakeholders to successfully implementing such strategies? federal efforts to establish a national maritime strategy duplicative or fragmented, and if so, what is the impact on U.S. maritime policy for the future?
21 May 2019	Financial Oversight of the Foreign Military Sales Transportation Fee	To what extent do Defense Security Cooperation Agency and Defense Finance and Accounting Services policies and procedures: <ul style="list-style-type: none"> provide reasonable assurance that payments made into the foreign military sales transportation accounts are timely and accurate? provide reasonable assurance that shipment costs paid from the foreign military sales transportation accounts are allowable? identify training requirements for personnel involved with the foreign military sales transportation process?

22 May 2019	DP3	<p>What is the fully burdened cost of the existing DP3 to DOD? To what extent has DOD:</p> <ul style="list-style-type: none"> • assessed the impact and estimated the costs and savings of each of the DP3 alternatives under consideration? • sought and incorporated input from key stakeholders, including the motor carrier industry, in developing the DP3 alternatives under consideration? How would each of the DP3 alternatives under consideration impact servicemembers' and their families' needs, including the capacity to complete moves during the peak-season summer months? • done to promote competition for each of the DP3 alternatives under consideration? • sought and incorporated input from key stakeholders, including the motor carrier industry, in developing the DP3 alternatives under consideration?
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Newly Published GAO Reports Germane to USTRANSCOM Leadership

US Airlines, Foreign Ownership: <https://www.gao.gov/products/GAO-19-540R>

- *Information on DOT's Oversight of and Stakeholders' Perspectives on Foreign Ownership*

Defense Acquisitions: <https://www.gao.gov/products/GAO-19-489>

- *DOD Needs to Improve How It Communicates the Status of Regulation Changes*

MISCELLANEOUS INFO:

Please send comments or suggestions to mark.j.osmack.civ@mail.mil Are you traveling to Washington D.C. and need a place to work from, check email, store luggage while? USTRANSCOM members can call our Legislative Affairs D.C. team: Maj Tyler "Ty" Marcotte (571) 312-8926/8854 to schedule a visit. The office is a ~7 minute drive from the Pentagon.

EMAIL: transcom.scott.tccc.list.la@mail.mil

PHONE: (618) 220-4811 (571) 312-8926 (D.C. OFFICE)